

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHNNY MINES III,

Petitioner,

v.

CASE NO. 2:19-CV-4297

CRIM. NO. 2:17-CR-00091

JUDGE EDMUND A. SARGUS, JR.

Chief Magistrate Judge Elizabeth P. Deavers

UNITED STATES OF AMERICA,

Respondent.


ORDER

On October 1, 2019, the Magistrate Judge issued a Report and Recommendation recommending pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings in the United States District Courts recommending that Petitioner's September 18, 2019, Motion to Vacate under 28 U.S.C. § 2255 be transferred to the United States Court of Appeals for the Sixth Circuit as successive. (ECF No. 69.) Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (ECF No. 69) is **ADOPTED** and **AFFIRMED**. The Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 68) is **TRANSFERRED** to the Sixth Circuit as successive.

Petitioner has waived the right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

 10-31-2014

EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE